

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM J. WHITSITT,

Plaintiff,

v.

JEAN ZEDLITZ, et al.,

Defendants.

No. 08-CV-01803 JSW

**ORDER RE MOTION FOR  
EXTENSION OF TIME TO FILE  
MOTION FOR  
RECONSIDERATION**

**(Docket No. 152)**

On July 19, 2013, the Court issued an Order granting the motion for summary judgment filed by Defendant R. Lance & Sons Co., Inc., and it entered judgment in R. Lance's favor.

On August 15, 2013, Plaintiff, William Whitsitt, filed a motion asking for an additional fifteen days to file for reconsideration and to oppose and protest the Court's decision to grant summary judgment in R. Lance's favor. (Docket No. 152.) In that motion, Mr. Whitsitt states that he moved and did not receive the Court's Order until August 7, 2013. To the extent Mr. Whitsitt is seeking relief pursuant to Federal Rule of Civil Procedure 59(e), any such motion must be filed no later than 28 days after entry of judgment. Although in general, a court may extend the time in which a party must act, Federal Rule of Civil Procedure 6(b)(2) provides that the Court cannot extend the deadline set forth in Rule 59(e). Therefore, to the extent Mr. Whitsitt intended to premise his motion on Rule 59(e), the request for an extension is DENIED.

To the extent Mr. Whitsitt seeks to request relief from the judgment pursuant to Federal Rule of 60(b), any such motion must be made within a "reasonable time" and no more than a year after judgment is entered for the reasons set forth in Rule 60(b)(1), (2) or (3). Thus, although the Court cannot say whether he would be entitled to relief under that rule, the Court

1 would not prevent Mr. Whitsitt from filing such a motion and setting forth the reasons why he  
2 believes it was made within a reasonable time.

3 However, if Mr. Whitsitt files a motion under Rule 60(b), at this point it would not toll  
4 the time in which he has to file an appeal with the Ninth Circuit. *See* Fed. R. App. P.  
5 4(a)(4)(iv). Thus, to the extent Mr. Whitsitt's motion for an extension could be construed as a  
6 motion to extend the time in which he must file an appeal, pursuant to Federal Rule of  
7 Appellate Procedure 4(a)(5), the Court finds good cause to grant that request. **The Court**  
8 **grants Mr. Whitsitt an additional fourteen days after this Order is entered in which to file**  
9 **an appeal.** *See* Fed. R. App. Proc. 4(a)(5).

10 The Court FURTHER ADVISES Mr. Whitsitt that a Handbook for Pro Se Litigants,  
11 which contains helpful information about proceeding without an attorney, is available through  
12 the Court's website or in the Clerk's office. The Court also advises Mr. Whitsitt that he also  
13 may wish to seek assistance from the Legal Help Center. He may call the Legal Help Center at  
14 415-782-8982 or sign up on the 15th Floor of the Courthouse, Room 2796, for a free  
15 appointment with an attorney who may be able to provide basic legal help, but not legal  
16 representation.

17 **IT IS SO ORDERED.**

18  
19 Dated: August 21, 2013



20 JEFFREY S. WHITE  
21 UNITED STATES DISTRICT JUDGE  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM J. WHITSITT et al,  
Plaintiff,

Case Number: CV08-01803 JSW

**CERTIFICATE OF SERVICE**

v.


JEAN ZEDLITZ et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 21, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

William J. Whitsitt  
2920 Fairmont Avenue  
Stockton, CA 95206

Dated: August 21, 2013

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk